

## **REMARKS**

This paper is presented in response to the non-final official action dated June 27, 2008, wherein (a) the examiner set forth an election of species requirement; (b) claim 1 was objected to for lacking antecedent basis; (c) claims 1-3 and 5-9 were rejected under 35 U.S.C. §112 as being indefinite for lacking an appropriate transitional phrase; and (d) claims 1-3 and 5-9 were rejected under 35 USC §103(a) as being obvious over Oslin (US 5,732,614).

By the foregoing amendments, claims 1-12 remain pending, claims 1-3 and 5-9 are "currently amended," and claims 4 and 10-12 are "withdrawn-currently amended." No new matter has been added.

Reconsideration of the application, as amended, is solicited.

The issues raised in the official action are addressed below in the order in which they were raised in the action.

### **ELECTION OF SPECIES REQUIREMENT**

Applicant hereby affirms the provisional election made by applicant's representative, Michael Furmanek, by telephone on May 20, 2008. That is, applicant elects to prosecute species 1 (Figs. 1 and 2), without traverse. At least claims 1-3 and 5-9 read on species 1, and at least claims 1-3 and 5-7 are generic to all species. Accordingly, claims 4 and 10-12 are withdrawn without prejudice, and the applicant reserves the right to rejoin claims 4 and 10-12 upon the allowance of a generic claim. Moreover, notwithstanding this election, applicant respectfully believes that the application does not lack unity, as evidenced by the fact that the European Patent Office, taking PCT Rules 13.1 and 13.2 into consideration, granted a patent, i.e., EP 1 519 652 B1, covering all of the embodiments shown in Figures 1-6.

### **CLAIM OBJECTIONS**

Claim 1 has been amended to recite "a cooking compartment" and "a region of a mobile plate rack bar," as suggested by the examiner. Therefore, these phrases have proper antecedent basis.

Reconsideration and withdrawal of this objection is respectfully requested.

### **REJECTIONS UNDER 35 USC §112**

Claim 1 has been amended herein to include an appropriate transitional phrase, i.e., "comprising."

Reconsideration and withdrawal of the indefiniteness rejections are respectfully requested.

### **REJECTIONS UNDER 35 USC § 103**

Independent claim 1, as amended, is generally directed to a combination of a door for closing a cooking compartment of a cooking appliance, and a mobile plate rack for a cooking appliance. The mobile plate rack includes a sealing plate for sealing an opening of the cooking appliance when the mobile plate rack is inserted in the cooking appliance. The door includes a captively mounted replacement sealing plate, which serves as a replacement for the sealing plate of the mobile plate rack when the mobile plate rack is not inserted in the cooking appliance. So configured, the claimed combination advantageously provides a replacement sealing plate that is captively mounted to the door such that it is not forgotten by a user, but rather is easily positioned to seal the opening of the appliance when the mobile plate rack is not present, e.g., during pre-heating or cleaning.

Oslin does not disclose or suggest such a combination. Oslin merely discloses a food processing apparatus with a cabinet and a door. The door includes inner and outer panels pivotally interconnected to provide access between the panels. Oslin does not disclose a mobile plate rack and, more particularly, does not disclose a mobile plate rack with a plate rack bar and sealing plate in combination with the other features recited in amended claim 1 of the present application. Moreover, there is no suggestion in Oslin, any other reference of record, or generally within the art to arrive at the claimed invention.

In light of the foregoing, it is believed that each of the pending claims is allowable over the cited references. The examiner is therefore solicited to reconsider and withdrawal the outstanding rejections, and pass this application to issue.

**CONCLUSION**

If there are any remaining matters that the examiner believes may be remedied via telephone conference, please feel free to contact the undersigned at (312) 474-6300.

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Respectfully submitted,

By 

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